

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

CHRISTINA BOLDEN,	)	
	)	
Plaintiff,	)	
	)	Case No. 4:05CV404 HEA
v.	)	
	)	
MOUNTAIN STAR	)	
TRANSPORTATION,	)	
	)	
Defendant.	)	

**OPINION, MEMORANDUM AND ORDER**

This matter is before the Court on Plaintiff's Motion to Remand, [#8]. Defendant has responded to the motion. For the reasons set forth below, Plaintiff's motion is denied.

Plaintiff originally filed this cause of action in the Missouri Circuit Court in the City of St. Louis based on injuries she sustained in an automobile accident. On March 11, 2005, Defendant removed the suit to this Court based on diversity jurisdiction under 28 U.S.C. 1332, which requires that the amount in controversy exceed the sum or value of \$75,000.00, exclusive of interest and costs.

Plaintiff argues this Court lacks jurisdiction and moves for remand pursuant to 28 U.S.C. § 1447, based on the fact that her medical bills and all other damages do not exceed \$75,000.00. Defendant opposes the motion, arguing that if granted, nothing will prevent Plaintiff from amending her state court Petition to seek more than

\$75,000.00 once the time period for removal to federal court has elapsed. Defendant requests that Plaintiff's motion be denied unless Plaintiff states in writing that she will not seek or accept more than \$75,000.00.

Defendant's argument is well-taken, and Plaintiff's motion will be denied. Plaintiff may renew her motion in the event both Plaintiff and Defendant have filed a Stipulation to Remand and have agreed to a remittitur of any amount awarded in excess of \$75,000, exclusive of interests and costs. Remand to the Circuit Court of City of St. Louis, Missouri would then be appropriate.

Accordingly,

**IT IS HEREBY ORDERED** that Plaintiff's Motion to Remand, [#8], is denied at this time.

Dated this 27th day of March, 2006.



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HENRY EDWARD AUTREY  
UNITED STATES DISTRICT JUDGE